

TOUSANT LAVARNWAY—CHILDREN OF.

[To accompany bill H. R. No. 725.]

JANUARY 16, 1857.

MR. KILLIAN MILLER, from the Committee on Revolutionary Pensions,
made the following

REPORT.

The Committee on Revolutionary Pensions, to whom was referred the petition of the surviving children of Tousant Lavarnway, for arrears of pension due their father for services in the revolutionary war, report:

That from the testimony of two credible witnesses, in addition to the oath of the soldier, it appears that the said Tousant Lavarnway volunteered as a private, and entered in the company commanded by his father, Captain Francis Lavarnway, in Colonel James Livingston's regiment of Canadian refugees, in the continental service, on or about the first day of November, 1775, and served in said company about two weeks, when his father's company was broken up, most of them having been, with his father, taken prisoners with Colonel Ethan Allen, in an engagement at Montreal, and that the said Tousant made his escape at that time; and from that time he was appointed conductor of teams, accompanied the American army to Quebec, and continued in said service as conductor until the retreat of the American army from Canada, when his services in that capacity were no longer needed; that he then turned his attention to securing the crops on his father's farm, and to looking after and protecting his property, while his father was captive; but the approach of the British army compelled him to relinquish the hope of saving it, and the certainty that he would be dealt with if he remained, he soon followed after the American army, and took refuge in the State of New York, where he ever after lived and died. After the pension act of June 7, 1832, he made application to the Pension Office for a pension; but his claim was denied on the ground that "he did not serve as a soldier—he was a wagoner," (see rejected or suspended pensions, page 128.) It seems at this time the Pension Department held team service not within the act of 7th June, 1832, and afterwards they came to the decision to allow for that kind of service, and the applicant in the mean time died, to wit: on the 15th day of March, 1845. Subsequently, in 1851, his children made application to the Pension Office for the arrears of pensions due their father, but from the imperfections

in the form, or some cause, no notice seems to have been taken of said application. Again, on the 7th of February, 1856, the surviving children made a renewed declaration in open court, substantially conforming to the practice and usages of the Pension Department, in which the court express their satisfaction, and grant their certificate, that the said Tousant Lavarney did serve in the manner as above stated; that he died on the 15th of March, 1845, and left no widow; that the children named were the only surviving children of the said Tousant Lavarney who survived him, as has been stated.

The answer to this last application will be found in the several letters from the Pension Office to the agent of the claimants, which your committee have examined, and which have been furnished by the agent. And the papers having been sent to your committee from the Pension Office, containing the whole of the evidence, without any remarks from the Commissioner of Pensions, your committee have taken a liberal view of the whole case, and they are satisfied that there is evidence sufficient to authorize your committee to report a bill for the eight and a half months' service—the half month as a private and the residue a teamster or conductor of teams. And they report a bill accordingly.